

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: NOVEMBER 8, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

**ABEYANCE - VAR-23598 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: DONNA DELACRUZ** - Request for a Variance TO ALLOW A PROPOSED 2,790 SQUARE FOOT ACCESSORY STRUCTURE, CLASS I (HABITABLE), WHERE 528 SQUARE FEET (50 PERCENT OF THE FLOOR AREA OF THE PRINCIPAL DWELLING) IS THE MAXIMUM ALLOWED at 5413 Hickam Avenue (APN 138-01-303-003), R-E (Residence Estates) Zone, Ward 6 (Ross) NOTE: THIS APPLICATION HAS BEEN AMENDED TO INCLUDE A VARIANCE TO ALSO ALLOW THE ACCESSORY STRUCTURE TO BE 18 FEET IN HEIGHT WHERE 14 FEET IS THE MAXIMUM HEIGHT ALLOWED

**IF APPROVED, C.C.: 12/05/07**

**IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)**

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

2

City Council Meeting

0

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

4

City Council Meeting

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**RECOMMENDATION:**

**DENIAL**

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/support Postcards

Motion made by SAM DUNNAM to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

GLENN TROWBRIDGE, DAVID STEINMAN, LEO DAVENPORT, BYRON GOYNES, RICHARD TRUESDELL, SAM DUNNAM; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-STEVEN EVANS)

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 13 and 14.

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DOUG RANKIN, Planning and Development Department, stated that the requested variance is a self-imposed hardship and recommended denial of both applications.

PAUL HOFFMAN, 630 South 4th Street, and DONNA DELACRUZ were present. MR. HOFFMAN stated that the primary structure will not be used as a rental unit.

COMMISSIONER DUNNAM commented that approval of the variance would set a precedence for similar requests in this area. He pointed out that by subdividing the lot, the applicant would legally have two separate lots and be able to dedicate an access easement whereby a variance would not be required.

MS. DELACRUZ stated that her property is 30,000 square feet and by subdividing her property she would be deficient by approximately 5,000 square feet of the required 20,000 square feet per lot. MS. DELACRUZ noted that the owner of the adjacent strip of land was not willing to sell, vacate or provide an access easement. She asked whether a zone change would suffice. MR. RANKIN clarified that if the lots were subdivided then that would create two substandard lots of 15,000 square feet and a variance would not be allowed because the property is designated DR which only allows two units to the acre. Additionally, two 15,000 square foot lots would exceed two units to an acre.

Having trailed Items 13 and 14 to clarify some issues, COMMISSIONER DUNNAM motioned to approve both items and added a condition to the Special Use Permit that the accessory structure shall not be rented.

MARGO WHEELER, Director of the Planning and Development Department, confirmed the additional condition should be placed on the Special Use Permit.

CHAIRMAN DAVENPORT declared the Public Hearing closed for Items 13 and 14.